

October 14, 1999

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L98P0041**

**CARRINGTON MEADOWS**  
Preliminary Plat Application

Location: Lying approximately between 112<sup>th</sup> Avenue Southeast and 116<sup>th</sup> Avenue Southeast (if constructed), and between Southeast 296<sup>th</sup> Street and Southeast 300th Place.

Applicant: Dietrich Riemer, *represented by*  
**Barghausen Engineers, Inc.**  
18215 - 72<sup>nd</sup> Avenue South  
Kent, WA 98032  
Telephone: (425)251-6222 Facsimile: (425)251-8782

**SUMMARY OF DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted:	October 12, 1998
Complete application:	November 9, 1998

**EXAMINER PROCEEDINGS:**

Hearing Opened:	October 12, 1999
Hearing Closed:	October 12, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES/TOPICS ADDRESSED:

- Surface water drainage

## SUMMARY:

Subdivision of 14.11 acres into 56 lots in the urban area is approved, subject to conditions.

FINDINGS, CONCLUSIONS DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. **General Information.**

Owner:	Dietrich E. Riemer 29910 - 112 <sup>th</sup> Ave. SE Auburn, WA 98092
Developer:	Harbour Homes by Geonerco 1010 S. 336 <sup>th</sup> St. #215 Federal Way, WA 98003 Telephone: (253)838-8305
Engineer:	Barghausen Consulting Engineers, Inc. 18215 - 72 <sup>nd</sup> Ave. S. Kent, WA 98032 Telephone: (425)251-6222
Location:	Lying approximately between 112 <sup>th</sup> Ave. SE and 116 <sup>th</sup> Ave. SE, and between SE 296 <sup>th</sup> St. and SE 300 <sup>th</sup> Pl.
STR:	SE 1/4 of 5-21-5
Zoning:	R4SO
Acreage:	14.11
Number of Lots:	56
Density:	3.97 dwelling units per acre
Lot Size:	Ranges from 4,761 to 10,233 square feet
Proposed Use:	Detached single family residences
Sewage Disposal:	City of Auburn
Water Supply:	City of Auburn
Fire District:	No. 44
School District:	Auburn School District No. 408
Complete Application (Vesting) Date:	October 12, 1999

2. The facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the October 12, 1999 public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the hearing record.

CONCLUSIONS:

1. If approved subject to the conditions required below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions required below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval required below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Carrington Meadows, as revised and received on September 13, 1999 is GRANTED preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the

King County Road Standards, established and adopted by Ordinance No. 11187.

6. The applicant must obtain the approval of the King County Fire Protection Engineer, to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
8. The applicant has received approval of a drainage adjustment (File No. L99V0040) for the diversion of stormwater. All conditions of approval for this adjustment shall be met, incorporated into the drainage design, and shown on the engineering plans.
9. The subject property contains three drainage sub-basins; two basins flow to the west and one basin flows to the east. The drainage design for the westerly basins shall comply with the Level 3 flow control methodology, unless otherwise approved by DDES. The design for the easterly basin shall comply with the Level 2 flow control methodology, per the 1998 King County Surface Water Design Manual (SWDM).
10. The proposed detention facility in Tract B at the southwest corner of the plat shall be evaluated for possible seepage impacting the property adjoining to the south. A geo-technical analysis shall be submitted at engineering plan submittal addressing this concern. A pond liner may be required to address the seepage issue, at the discretion of DDES.
11. An off-site drainage improvement is required to the downstream path from the northwest sub-

basin, per Drainage Adjustment L99V0040. The required improvement is to a culvert and catch basin at the end of 111<sup>th</sup> Ave. SE. The 12 inch culvert (Culvert 2) connects to an existing catch

basin and then connects to an existing cross culvert under 111<sup>th</sup> Ave. SE (see August 12, 1999 Barghausen letter to DDES). The 12 inch culvert and catch basin shall be analyzed for capacity and upgraded per the SWDM. These improvements shall be shown on the engineering plans.

12. The following road improvements are required for this subdivision and shall be constructed according to the 1993 King County Road Standards:
  - a. Roads A and C shall be improved, at a minimum, to the urban subcollector road standard.
  - b. Road B shall be improved, at a minimum, to the urban subaccess road standard.
  - c. Roads D and the portion of Road B west of Road A shall be improved, at a minimum, to the urban minor access road standard.
  - d. The frontage of the subdivision along 112<sup>th</sup> Ave. SE (east side only) shall be improved to the urban collector arterial standard with provision for a bike lane. The frontage improvement shall meet the provisions of Section 4.01(F) Street Widening/Adding Traveled Way of the King County Road Standards.
  - e. Tracts D, E, F, G and J shall be improved as joint use driveways, per Section 3.01 of the King County Road Standards.

Lots 45 and 46 shall have joint ownership of Tract D and be responsible for its maintenance. Lots 41 and 42 shall have joint ownership of Tract E and be responsible for its maintenance. Lots 15 and 16 shall have joint ownership of Tract F and be responsible for its maintenance. Lots 11 and 12 shall have joint ownership of Tract G and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.

Tract J shall be dedicated to King County, with an access/utility easement granted to Lot 24 across the tract. The easement shall be shown on the final plat and engineering plans.
  - f. Modification to the above road conditions may be considered, pursuant to the variance procedures in Section 1.08 of the King County Road Standards.
13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
14. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75,

Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

15. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 13338 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
16. There shall be no direct vehicular access to or from 112<sup>th</sup> Ave. SE from those lots which abut this street. A note to this effect shall appear on the final plat and engineering plans.
17. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or the homeowners' association. This shall be stated on the face of the final plat and engineering plans.
18. The following note shall be shown on the final plat and engineering plans:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

19. The proposed subdivision shall comply with the sensitive areas requirements as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall be addressed, prior to final plat approval. Prior to commencing construction activities, temporary

marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed. The

following additional requirements shall be met:

- a. The wetland in Tract A is a Class 2 wetland and shall have a 50-foot buffer of undisturbed vegetation, as measured from the wetland edge.
  - b. A 15-foot building setback line (BSBL) shall be established from the edge of the wetland buffer, and shown on the final plat and engineering plans.
  - c. The wetland and wetland buffer shall be placed in a Sensitive Area Tract (SAT). The SAT shall be shown on the final plat and engineering plans.
  - d. Hydrology to the wetland shall be maintained to the extent feasible, as determined by DDES.
20. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item "a" above, shall be submitted for review and approval by LUSD and King County Parks, prior to or concurrently with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three year period, shall be posted prior to recording of the plat.
21. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and open space areas.
22. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along the subject property's frontage on 112<sup>th</sup> Ave. SE, and along all streets within the subject plat. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with

Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.

- c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization, unless the County has adopted a maintenance program. This shall be noted on the face of the final plat.
- e. The species of trees shall be approved by DDES and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 112<sup>th</sup> Ave. is on a bus route. If 112<sup>th</sup> Ave. is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 23. Two existing easements bisect the subject property: a 30-foot-wide septic drain field easement and a 30-foot-wide road and utilities easement. These two easements shall be vacated prior to the recording of the subject plat.
- 24. The engineering plans for the subject plat shall conform with SO-220 concerning significant trees. The following requirements shall be met:
  - a. A tree retention/planting plan shall be submitted with the engineering plan submittal for review by DDES. Approval of the tree retention/planting plan must be secured from DDES, prior to final engineering plan approval.
  - b. No clearing of the site shall occur prior to the approval of the tree retention/planting



- c. Trees to be retained on the site shall be flagged and temporary fencing provided around them, consistent with SO-220. Grading, improvements, and the storage of materials are not permitted within the temporary fencing, except as permitted by SO-220.

ORDERED this 14<sup>th</sup> day of October, 1999.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 14<sup>th</sup> day of October, 1999, to the parties and interested persons shown on the attached lists.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before October 28, 1999*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before November 4, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE OCTOBER 12, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0041 – CARRINGTON MEADOWS:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lanny Henoch and Bruce Whittaker. Participating in the hearing and representing the Applicant was Jeff Chalfant of Barghausen Consulting Engineering, Inc. Other participants in this hearing were Gordon Doherty, representing the Carrington Meadows Homeowner's Association.

The following exhibits were offered and entered into the record:

Exhibit No. 1      LUSD File No. L98P0041

**L98P0041-Carrington Meadows**

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- Exhibit No. 2 LUSD Staff Report prepared for the October 12, 1999 public hearing
- Exhibit No. 3 SEPA Environmental Checklist, signed by the Applicant's
- Exhibit No. 4 SEPA determination, issued September 10, 1999
  
- Exhibit No. 5 Revised plat map, received September 13, 1999
- Exhibit No. 6 Land Use Map – Kroll maps 709W and 708E
- Exhibit No. 7 King County Assessor Maps for the SE ¼ of 5-21-5 and the SW ¼ of –21-5
- Exhibit No. 8 June 14, 1998 letter from Habitat Technologies containing a Wildlife Habitats and Species Assessment, received April 13, 1999
  
- Exhibit No. 9 Wetlands Evaluation and Delineation Report, dated October 9, 1998 and prepared by Habitat Technologies
- Exhibit No. 10 Traffic Impact Analysis..., dated March 23, 1999 and prepared by The Transpo Group
- Exhibit No. 11 Level II Drainage Report..., dated October 9, 1998 and prepared by Barghausen Consulting Engineers, Inc.
- Exhibit No. 12 Addendum to Level II Drainage Report..., dated April 12, 1999 and prepared by Barghausen Consulting Engineers, Inc.
  
- Exhibit No. 13 August 31, 1999 letter from Joe Miles, Engineering Review Section, LUSD, and Jeff O'Neill, Site Engineering and Planning Section, Building Services Division, approving Surface Water Management Adjustment File No. L99V0040.
  
- Exhibit No. 14 December 16, 1998 letter from Tom Lempert, President, Carrington Bluff Homeowner's Association
- Exhibit No. 15 Basin Map of Level II Drainage Report (part of Exhibit #11)
- Exhibit No. 16 Basin Map showing sub-basins A and C (part of Exhibit #13)
- Exhibit No. 17 Conceptual Roadway and Drainage Plan

JNOC:sje  
Attachments  
Plats\L98P0041 RPT